

CONTRACTOR PARTICIPATION GUIDELINES

All work financed with an Energy Loan must be installed by a participating contractor. To ensure that only qualified, reputable contractors are participating in the program, the following guidelines and controls are established which regulate how contractors are approved and the ongoing verification that standards are being met. Sponsor and/or EFS reserves the right to restrict contractor participation or remove them from the program at any time for any reason.

Standards for Approving Contractors

Contractors interested in participating in the program and becoming eligible to offer Energy Loans, apply for approval by: (1) completing a Contractor Application, (2) signing the *Contractor Participation Agreement*, (3) completing the IRS W9 Form, and (4) supplying EFS with an insurance certificate from its insurance company documenting the level of insurance coverage. All forms are forwarded to EFS for consideration.

To participate in the program, contractors must meet the following criteria which EFS verifies from information supplied on the Contractor Application:

- (1) Established in business for not less than one year:
- (2) Agree to maintain applicable licenses and permits to perform installations:
- * (3) Maintain a tangible net worth of at least \$50,000:
- * (4) Principal owners must have a satisfactory credit history as verified from a credit report:
- * (5) Maintain a "satisfactory" standing with three trade references
- (6) Maintain a "satisfactory" or no rating with the Better Business Bureau
- (7) Maintain business insurance coverage in the following amounts: \$1 million general liability coverage and workers' compensation in amounts established by state law.

- **These items have been temporarily waived**

In addition, all contractors must sign a Contractor Participation Agreement, which sets forth the conditions of contractors' participation in the program. The Contractor Participation Agreement contains the following conditions:

- (1) Only measures meeting the efficiency requirements of the program are eligible for installation and financing. All materials and/or products provided, and/or work performed by the contractor will comply with all federal, state, and municipal laws, codes, regulations, and ordinances.
- (2) The contractor will provide any and all labor, resources, and quantity (ies) of materials and products necessary to complete the job as specified in the contractor's bid, at no additional cost to the homeowner. The contractor is responsible for the costs of any and all indemnification, staffing, resources, products, and materials that are incurred by the homeowner as a result of the work performed under this contract and are not specifically itemized on the bid and/or change order.
- (3) The contractor will visit the site and warrant that all work, materials, and products provided under this contract have been performed as specified given the existing conditions of the site. This warranty will be provided in writing to the homeowner and will provide that all work performed under this contract will be free from defects in materials and workmanship for a period of one (1) year from the date of payment authorization.
- (4) All products and materials will be installed in accordance with manufacturer recommendations and instructions. Any manufacturer warranties for workmanship and/or materials that are compromised and/or voided as a result of work performed by the contractor will become the responsibility of the contractor.
- (5) The contractor will assign only trained, qualified, and licensed (where applicable) personnel to perform work. All work will be completed in a timely and professional manner that meets or exceeds currently accepted performance standards of the industry.

- (6) No subcontractors, without the prior written approval of Sponsor and EFS, will perform any of the proposed work unless they are explicitly specified in the original bid. If any subcontracting is planned, a brief description of the work experience (e.g., number of years, full-time or part-time) must be provided to Sponsor and EFS for each proposed subcontractor. Insurance certificates must also be provided for subcontractors prior to their starting any work.
- (7) The contractor will execute a written agreement with the homeowner prior to commencement of the delivery of services, incorporating all terms and conditions set forth in both this agreement and the contractor's bid.

Contractors approved by Sponsor and EFS to offer Energy Loans are supplied with customer Credit Application and Installation Completion Certificate and Customer Warranty forms as well as detailed procedures on the operation of the loan program. Sponsor and EFS may provide training sessions on loan program procedures in connection with trade association meetings, or, for utility-sponsored programs, in connection with regularly scheduled utility meetings held with contractors. Ongoing communication with approved contractors will take place by use of special mailings, or EFS' Web site.

Ongoing Verification of Contractor Activity

Sponsor and EFS' involvement with contractors does not end once the contractor has been approved to offer Energy Loans. Ongoing verification of contractor activity is triggered by each installation completed, as well as annually. Where verification activity identifies deficiencies in a contractor's performance, Sponsor and/or EFS reserves the right to remove the contractor from the participating contractor list, making the contractor ineligible to offer Energy Loans.

Each Completion

After each installation is completed, contractors obtain the homeowner's signature on an Installation Completion Certificate and Customer Warranty. The homeowner's signature on the form informs Sponsor and EFS that all work has been completed to the homeowner's satisfaction, and the customer authorizes release of funds directly to the contractor. The Installation Completion Certificate and Customer Warranty is submitted to EFS by the contractor with a detailed invoice listing all items installed and financed with the proceeds of the Energy Loan.

Upon receipt of the contractor's invoice and Installation Completion Certificate and Customer Warranty, EFS verifies that the invoice amount and measures installed agree to the loan agreement with the homeowner, and the homeowner has signed the Installation Completion Certificate and Customer Warranty. Program Sponsor may require a pre-inspection of the proposed energy measures and/or an on-site inspection of each installation at time of completion for all loans.

The purpose of the inspection is to verify that all work financed by an Energy Loan has been installed. Sponsor, EFS or EFS' designee will conduct inspections and an Inspection Report is completed for each inspection. When inspections are conducted, an acceptable outcome must be made before any funds are released to the contractor. Where re-work is deemed necessary, it must be completed at the contractor's expense and will be re-inspected before loan funds are released.

In addition to on-site inspections, EFS also may conduct a random sample mail survey with homeowners to follow-up on the quality of the installation. The purpose of the follow-up is to allow customers the opportunity to provide feedback on such items as whether the contractor conducted business in a professional manner, the response time for initial contact and any callbacks, whether the contractor arrived when promised, whether the work site was left in a clean condition following the installation, and whether any problems were resolved as expected. Feedback received from homeowners will be shared with the contractor.

Annual Verification

On an annual basis, contractors must be re-certified to offer Energy Loans. The annual certification process is designed to be easy and is initiated by EFS.

The purpose of the annual certification is to remove contractors not using the program and to verify that active contractors continue to meet the requirements for participation. Contractors must supply EFS with current information to confirm that requirements are being met.

Contractors failing to provide EFS with the requested information, or no longer meeting the minimum qualifications for participation are removed from the program. Contractors removed due to failure to provide information or failing to meet the minimum qualifications can reapply at their discretion by completing a new application and submitting it to EFS for consideration.

Advertising Guidelines

Any advertising conducted by an approved contractor to promote the Energy Loan Program must conform to all federal and state consumer laws and regulations. Failure to follow the above advertising guidelines will result in the contractor being removed from the program.

*EFS may make changes to the program by written notice to the Contractor 30 days prior to the effective date of the change. EFS reserves the right to restrict Contractor's participation or to remove a Contractor from the program at any time for any reason.